

CLAIMS

Claim 1 (currently amended): A photo-luminescent marking system, the system comprising:
a device capable of receiving ink; and
a visible barcode print on the device, the barcode print constructed from an after-glow photo-luminescent ink readable in lightless ~~diminished~~ lighting situations, the after-glow photo-luminescent ink activated only upon the absence of light;
wherein the barcode print is scannable and decodable by a bar code scanner.

Claim 2 (original): The marking system of claim 1 wherein the barcode indicates a status selected from the group consisting of hazardous materials, processes, critical steps, status, and progress prompting.

Claim 3 (original): The marking system of claim 1 and further comprising:
a reflective border surrounding the barcode print.

Claim 4 (original): The marking system of claim 3 wherein the reflective border is constructed from a reflective tape material.

Claim 5 (original): The marking system of claim 1 and further comprising:
means for attaching the device to a surface.

Claim 6 (currently amended): A barcode system, the barcode system comprising:
a device;
an after-glow a photo luminescent material applied to the device, the after-glow photo luminescent material activated only upon the absence of light; and
barcode print applied to the device over the after-glow photo luminescent material.

Claim 7 (original): The barcode system of claim 6 and further comprising:
means for attaching the device to a surface.

Claim 8 (original): The barcode system of claim 6 wherein the barcode print is black.

Claim 9 (currently amended): The barcode system of claim 6 and further comprising:
a reflective border surrounding the barcode print on the after-glow photo luminescent material.

Claim 10 (original): The barcode system of claim 9 wherein the reflective border is constructed from a reflective tape material.

Claim 11 (original): The barcode system of claim 6 wherein the barcode indicates a status selected from the group consisting of hazardous materials, processes, critical steps, status, and progress prompting.

Claim 12 (currently amended): A method for reading a barcode in diminished lighting conditions, the method comprising:
printing a visible barcode with an after-glow photo-luminescent ink readable in lightless ~~diminished~~ lighting situations;
activating the after-glow photo-luminescent ink only upon the absence of light; and
scanning and decoding the barcode print.

Claim 13 (original): The method of claim 12, and further comprising:
indicating a status selected from the group consisting of hazardous materials, processes, critical steps, status, and progress prompting.

Claim 14 (original): The method of claim 12, and further comprising:
surrounding the barcode print with a reflective border.

Claim 15 (original): The method of claim 14, and further comprising:
constructing the reflective border from a reflective tape material.

Claim 16 (original): The method of claim 12 and further comprising:
printing the barcode on a device attachable to a surface.

In the Office Action mailed on November 7, 2005, the Examiner rejected claims 1 – 16. With this Amendment, Applicant has amended claims 1, 9, 12, and 16. The Application still includes claims 1 – 16.

A Petition for Three-Months Extension of Time is enclosed together with a check in the amount of \$ 510.00.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 6 – 11 under 35 U.S.C. § 102(b) as being anticipated by the Kennedy patent.

With this Amendment, Applicant has amended the claims of the present application to better define the present invention. In particular, Applicant has amended claim 6 to claim an after-glow photo luminescent material applied to the device with the after-glow photo luminescent material activated only upon the absence of light.

The Kennedy patent neither teaches nor suggests a barcode system as claimed in the present application. The Kennedy patent merely describes a remote indicia reading system having a reflective background using external infrared light to engage the system. As described in Column 2, lines 44 – 54, the reflective background is a retro-reflective tape defined as “reflective media which provide high levels of reflectance along a direction back toward the source of illuminating radiation”. Without an external light source to reflect off the retro-reflective tape, the remote indicia reading system of the Kennedy patent would not properly operate.

The barcode system, as claimed in the present application, operates in lightless or dark situations. The after-glow photo luminescent material is applied to the device with the after-glow photo luminescent material activated only upon the absence of light. In short, the material, as claimed in the present application, works in dark environments without the need for an external light.

Therefore, since the Kennedy patent neither teaches nor suggests the barcode system as claimed in the present application, it is respectfully requested that the rejection of claims 6 – 11 under 35 U.S.C. § 102(b) be withdrawn and that claims 6 – 11 be held allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1 – 5 and 12 – 16 under 35 U.S.C. § 103(a) as being anticipated by the Kennedy patent in view of Rhoads.

With this Amendment, Applicant has amended the claims of the present application to better define the present invention. In particular, Applicant has amended claims 1 and 12 to claim the barcode print constructed from an after-glow photo-luminescent ink readable in lightless lighting situations with the after-glow photo-luminescent ink activated only upon the absence of light.

The Rhoads patent adds nothing to the Kennedy patent to either teach or suggest a barcode system as claimed in the present application. The Rhoads patent merely describes a method for identification used to combat counterfeiting using an external black light to engage the system. In short, the Rhoads patent describes using invisible photoluminescence inks in a watermark that may be conceptualized as an invisible bar code employed in a purchase transaction and or to identify a bank note and the absence of the watermark shows up on the counterfeit materials. The photo-luminescent inks of the Rhoads patent need light to be identified. The method of the Rhoads patent does not work in dark, lightless environments.

As stated above, the barcode system, as claimed in the present application, operates in lightless or dark situations. The barcode print is visible and constructed from an after-glow photo-luminescent ink readable in lightless lighting situations with the after-glow photo-luminescent ink activated only upon the absence of light. In short, the barcode print, as claimed in the present application, works in dark environments without the need for an external light.

Therefore, since neither the Kennedy patent nor the Rhoads patent either teach or suggest the barcode system as claimed in the present application, it is respectfully requested that the rejection of claims 1 – 5 and 12 – 16 under 35 U.S.C. § 103(a) be withdrawn and that claims 1 – 5 and 12 – 16 be held allowable.

CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance. Reconsideration and allowance of claims 1 – 16 are respectfully requested.

Respectfully submitted,

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